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4 **UNITED STATES DISTRICT COURT**
5 **FOR THE**
6 **DISTRICT OF NEW JERSEY**

7 **APHRODITE VASSILAT,**) **Case No.:**
8)
9 Plaintiff,)
10 **v.**) **COMPLAINT AND DEMAND FOR**
11 **GE CAPITAL RETAIL BANK,**) **JURY TRIAL**
12 Defendant.) **(Unlawful Debt Collections Practices)**

13 **COMPLAINT**

14 APHRODITE VASSILAT (“Plaintiff”), by and through her counsel, Kimmel &
15 Silverman, P.C., alleges the following against GE CAPITAL RETAIL BANK (“Defendant”):

17 **INTRODUCTION**

18 1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act
19 (“TCPA”).
20

22 **JURISDICTION AND VENUE**

23 2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v.
24 Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).
25

1 15. During the relevant period, Defendant relentlessly called Plaintiff on her cellular
2 telephone, calling on average four (4) to ten (10) times each day, as well as, calling on
3 weekends, and on occasion before 8:00 a.m.

4 16. When contacting Plaintiff on her cellular telephone, Defendant used an
5 automatic telephone dialing system and automatic and/or pre-recorded messages.

6 17. Defendant's automated messages identified its company name as the caller and
7 state; "Please call us back. We've approved your loan."

8 18. Defendant's telephone calls were not made for "emergency purposes."

9 19. Furthermore, Plaintiff disputes having ever furnished Defendant with her contact
10 information as she has never engaged in any business with Defendant.

11 20. In early April 2015, when the calls began, Plaintiff revoked any consent
12 previously given to Defendant to place telephone calls to her cellular telephone number.

13 21. Nonetheless, Defendant continued to call Plaintiff, and when instructed to stop,
14 Defendant's representatives would talk over Plaintiff.

15 22. Defendant persisted in calling Plaintiff on her cellular telephone for several
16 months.
17

18
19 **DEFENDANT VIOLATED THE**
20 **TELEPHONE CONSUMER PROTECTION ACT**

21 23. Plaintiff incorporates the forgoing paragraphs as though the same were set forth
22 at length herein.

23 24. Defendant initiated multiple automated telephone calls to Plaintiff's cellular
24 telephone using a prerecorded voice.
25

1 25. Defendant initiated these automated calls to Plaintiff using an automatic
2 telephone dialing system.

3 26. Defendant's calls to Plaintiff were not made for emergency purposes.

4 27. Defendant's calls to Plaintiff, especially after early April 2015, were not made
5 with Plaintiff's prior express consent.

6 28. Defendant's acts as described above were done with malicious, intentional,
7 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the
8 purpose of harassing Plaintiff.

9 29. The acts and/or omissions of Defendant were done unfairly, unlawfully,
10 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal
11 defense, legal justification or legal excuse.

12 30. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
13 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles
14 damages.
15

16
17 WHEREFORE, Plaintiff, APHRODITE VASSILAT, respectfully prays for judgment as
18 follows:

- 19 a. All actual damages suffered pursuant to 47 U.S.C. §227(b)(3)(A);
20 b. Statutory damages of \$500.00 per violative telephone call pursuant to 47
21 U.S.C. §227(b)(3)(B);
22 c. Treble damages of \$1,500 per violative telephone call pursuant to 47
23 U.S.C. §227(b)(3);
24 d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and
25

1 e. Any other relief deemed appropriate by this Honorable Court.

2
3 **DEMAND FOR JURY TRIAL**

4 PLEASE TAKE NOTICE that Plaintiff, APHRODITE VASSILAT, demands a jury
5 trial in this case.

6
7 **CERTIFICATION PURSUANT TO L.CIV.R.11.2**

8 I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not
9 subject to any other action pending in any court, arbitration or administrative proceeding.

10
11 Respectfully submitted,

12
13 Dated: July 22, 2015

14 By: /s/ Amy Lynn Bennecoff Ginsburg
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